

Haiti

NOT FREE

31
/100

<u>Political Rights</u>	11 /40
<u>Civil Liberties</u>	20 /60

LAST YEAR'S SCORE & STATUS**33 /100 Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Worsening breakdowns of the Haitian electoral system in recent years have led to a series of expired mandates and constitutional impasses, leaving citizens without proper political representation. The government's ability to function was further impacted by the 2021 assassination of President Jovenel Moïse; Prime Minister Ariel Henry, whom Moïse appointed before his death, rules by decree. Rampant corruption and violence by armed criminal groups undermine basic services and contribute to pervasive physical insecurity. The judiciary and law enforcement agencies lack the resources, independence, and integrity to uphold due process and the rule of law and are additionally targeted by criminal groups. Antigovernment protests often result in excessive use of force by police.

Key Developments in 2022

- In July, an alliance of criminal gangs fought other groups for control of Nan Brooklyn, an area that sits within the Cité Soleil section of Port-au-Prince. By late July, some 300 people were killed.
- In September, that same alliance blocked access to the country's main fuel terminal after the government of Ariel Henry announced that it would reduce fuel subsidies. The government reclaimed control of the terminal in November after reportedly negotiating with the occupying group.
- In October, Henry called on the international community to send troops into Haiti to address the country's security situation. While some governments considered the request and UN officials called on member states to provide assistance, no such force was deployed by year's end.
- In late December, Henry signed an agreement with a group of business and civil society actors that called for elections in 2023 and the installation of an elected government in 2024. A copy of that agreement was not published in *Le Moniteur*, the government's official newspaper, by year's end.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

1 / 4

In Haiti's semipresidential system, the president is directly elected for a five-year term. The prime minister is appointed by the president and confirmed by Parliament. Jovenel Moïse of the Haitian Tèt Kale Party (PHTK), the handpicked successor of then president Michel Martelly, won the 2015 presidential election, but the results were nullified due to extensive fraud. Moïse went on to win a repeat election in 2016, taking 55.6 percent of the vote. The events surrounding the repeat election later resulted in a political and legal dispute over whether Moïse's term expired in February 2021, five years after the end of Martelly's term, or February 2022, five years after Moïse was inaugurated.

Moïse frequently replaced the prime minister during his tenure, but after the terms of most lawmakers expired in early 2020, his appointees were unable to obtain parliamentary approval in keeping with the constitution. After Prime Minister Claude Joseph submitted his resignation in early July 2021, Moïse appointed Ariel Henry as Joseph's successor through a decree published in the official state newspaper *Le Moniteur*.

Henry had not yet been installed when, days later, Moïse was assassinated at his residence. The assassination set off a dispute among local political, civic, and economic actors as to who should head the executive branch, but key diplomatic representatives in the country—known as the Core Group—called on Henry to lead the government, and Joseph stepped down. That September, Henry dismissed the Provisional Electoral Council (CEP) and postponed already-overdue general elections.

Although his role as head of government is contested due to his suspected involvement in Moïse's assassination, Henry rules with support from the international community; the UN Security Council accepted Henry's decision to postpone elections and dismiss the CEP in 2021. Polls may take place in 2023 under an agreement reached between Henry and civil society actors in December 2022.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

0 / 4

The directly elected, bicameral Parliament is composed of a Senate, with 30 members who serve six-year terms, and a Chamber of Deputies, with 119 members who serve four-year terms. The 2015 legislative elections were plagued by disorder, fraud, and violence; runoff polls held in 2016 were marred by fraud and low turnout. The PHTK emerged as the single largest party in both chambers, followed by Vérité (Truth).

Parliament was dissolved in 2020 after parliamentary and local elections were cancelled in late 2019. The 10 senators who still had mandates supported Senate president Joseph Lambert's short-lived bid to serve as acting president after Moïse's assassination. The remaining senators' mandates will expire in January 2023. Local government officials also operate without a mandate, with mayors being reappointed or leaving office in 2020.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

2 / 4

The CEP was established in the late 1980s as a temporary body but remains responsible for managing the electoral process. Despite constitutional safeguards against executive dominance of the CEP, the executive has asserted significant control in practice. In 2020, Moïse appointed a new CEP by presidential decree in a move that human rights observers called unconstitutional. Plans to hold a constitutional referendum and elections in 2021 were scuttled that September; Henry dismissed the CEP and pledged to assemble a new council with broader legitimacy. A new CEP was not formed in 2022, however.

In 2021, political and civil society leaders produced the Montana Accord, under which a transitional government would preside over new polls. The accord did not win the immediate support of the PHTK and other stakeholders, however. In late December 2022, Henry signed on to a document with a different group of civil society and business actors. That agreement envisioned a 14-month transition period, 2023 polls, and the 2024 installation of a democratically elected government. A copy of that agreement was not published in *Le Moniteur* by year's end.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

1 / 4

Legal and administrative barriers that prevented some parties from registering or running in past elections have largely been eliminated. The number of members required to form a political party was reduced from 500 to 20 in 2014, leading to the creation of dozens of parties. However, pervasive insecurity and criminal violence impair political activity. Opposition leaders are subject to threats and abductions, and protests organized by opposition parties are regularly met with repressive force by authorities. Political actors have long employed criminal gangs to impede their opponents, further restricting competition.

Criminal violence is pervasive. In December 2022, the UN Integrated Office in Haiti (BINUH) reported that over 1,200 kidnappings took place during the year, over twice as many as in 2021. Gangs continue to control neighborhoods and strategic roads connecting Port-au-Prince to the rest of the country.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

1 / 4

Haiti has a poor record of peaceful democratic transfers of power. It remains difficult for the opposition to increase its support or gain power through elections, which are regularly disrupted by violence, marred by accusations of fraud, and postponed. The PHTK consolidated power in the legislature and at the local level, in part through alliances with smaller parties, before national and local mandates expired.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

1 / 4

Haitians' political choices are marginalized by corrupt patronage networks, organized crime, and foreign actors. Many politicians have relied on money linked to drug trafficking, gang activity, and other illegal sources to finance their campaigns. The PHTK and opposition parties have enlisted armed criminal groups to either incite or halt residents' involvement in protests and other political activities, according to local human rights activists.

Citizens' democratic autonomy was further harmed by the assassination of President Moïse and its aftermath. In addition to the violence and criminality associated with the murder itself, many observers decried the role of the Core Group—comprising ambassadors or representatives from Brazil, Canada, France, Germany, Spain, the United States, the European Union, the Organization of American States, and the United Nations—in accepting Henry as prime minister.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

2 / 4

Haitian women are underrepresented in political life, with only four out of 149 parliamentary seats held by women from 2017 to 2019. The constitution mandates that 30 percent of public officials be women, but there are no penalties for noncompliance. Election-related violence and social and cultural norms discourage women from participating in politics. Due to societal discrimination, the interests of LGBT+ people are not represented in the political system, and there are no openly LGBT+ politicians.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

1 / 4

Few national leaders who held office in 2022 were freely elected or appointed according to the constitution. Henry was selected by Moïse to become prime minister in 2021, but that appointment was not approved by Parliament, which was dissolved in 2020 as most of its members lost their electoral mandates. Before his assassination, Moïse attempted to rule by decree; the legitimacy of his actions was questioned, since only members of Parliament have the constitutional authority to pass laws. Henry has ruled by decree after Moïse's murder.

Corruption, instability, and security threats hinder the government's ability to carry out its own policies and provide basic services. In September, the G9 an Fanmi e Alye (Family and Allies) alliance of gangs blockaded the country's main fuel terminal after the Henry government announced a reduction in fuel subsidies. In October, Henry called for other countries to send troops into the country. While some governments publicly considered Henry's request and UN officials called on member states to provide assistance, no such force was deployed by year's end. The government reclaimed control of the terminal in November, after reportedly negotiating with the gang.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1 / 4

Corruption is widespread in Haiti, as are allegations of impunity for government officials. The country's anticorruption framework, meanwhile, has been weakened in recent years. A 2017 law reduced the independence and powers of the Central Financial Intelligence Unit (UCREF), which investigated money-laundering cases. Also in 2017, Moïse replaced the heads of the Anticorruption Unit (ULCC) and the UCREF with political allies and former members of the Michel Martelly administration. Under a 2020 decree, procurement-related opinions issued by the Superior Court of Audits and Administrative Disputes (CSCCA) were made advisory and nonbinding; earlier that

year, that court released a report on official corruption involving a development-loan program operated by Venezuela.

In a report released in August 2022, the ULCC warned that corruption remained widespread in national and local government bodies.

C3 0-4 pts

Does the government operate with openness and transparency?

1 / 4

Haitians' general distrust of the government stems in large part from the absence of transparency and accountability measures that are needed to reduce corruption. There are no access-to-information laws, and it is reportedly very difficult to obtain government documents and data in practice. All government officials must file financial disclosure forms within 90 days of taking office and within 90 days of leaving office, though these requirements are not well enforced and the reports are not made public. A 2020 presidential decree that created the National Intelligence Agency (ANI) granted it total secrecy and the ability to conduct surveillance on individuals and businesses at any time, even if there is no relevant ongoing investigation.

In 2021, Henry dismissed the justice minister and a chief prosecutor after investigators under their supervision uncovered evidence that appeared to link Henry to a top suspect in the Moïse assassination, prompting accusations that he was obstructing justice. The investigation remained stalled at year's end.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

1 / 4

The constitution includes protections for press freedom, and the media sector is pluralistic, but the work of journalists is constrained by threats and violence, government interference, and a lack of financial resources. Attacks on journalists occur frequently, and impunity for perpetrators is the norm.

According to the Committee to Protect Journalists (CPJ), seven journalists or media workers were murdered, died conducting a dangerous assignment, or died in other circumstances in 2022. In early January, for example, Wilguens Louis-Saint and John Wesley Amady were killed in Port-au-Prince, likely by gang members, while reporting on criminal activity. In September, a group of journalists reporting on gang violence in Port-au-Prince were ambushed, reportedly by members of the G9 an Fanmi e Alye; Frantzen Charles and Tayson Lartigue were killed and their bodies reportedly burned.

Journalists also died when security forces tried to disperse protests. In February 2022, journalist Maximilien Lazard was shot as police used live ammunition on protesters in Port-au-Prince and later died at a hospital. Police in Port-au-Prince used tear gas to disperse a group of journalists who protested the detention of another journalist in October; Romelson Vilcin of Radio Génération 80 was struck by a tear-gas canister and killed, while police beat several protesters.

Score Change: The score declined from 2 to 1 because journalists have faced mistreatment and violence at the hands of Haitian authorities and criminal actors throughout the year.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

3/4

Freedom of religion is constitutionally guaranteed, and religious groups generally practice freely. However, the traditionally dominant Roman Catholic and Protestant churches and schools receive certain privileges from the state, while Vodou religious leaders have experienced social stigmatization and violence for their beliefs and practices. The government has denied registration to the country's small Muslim communities.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

Educational institutions and academics choose their curriculum freely, but university associations and student groups that protest government actions are often met with police violence. Academic freedom is also negatively affected by the general climate of insecurity, and some scholars may self-censor to avoid conflicts with powerful groups or individuals.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

2/4

There are some formal constraints on the expression of personal views, including criminal defamation laws. The risk of violent reprisal also serves as a deterrent to unfettered discussion of sensitive issues such as corruption, gangs, and organized crime. The government has been accused of using criminal gangs to help suppress dissent. Private discussion is also constrained by the risk of kidnapping, which is a common occurrence in Haiti.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

2/4

Freedom of assembly is constitutionally enshrined but often violated in practice. Police have used excessive force including live rounds of ammunition to disperse protesters. Despite the risk of violence, politicians, civil society groups, and ordinary citizens continued to mount demonstrations in 2022, calling for Henry to step down and condemning criminal activity.

Police regularly responded with force during the year. In October 2022, for example, protesters in the capital assembled to object to the Henry government's call for foreign intervention; police used tear gas in response. At least one person died, with other participants saying the police were responsible.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

1 / 4

Numerous domestic and international nongovernmental organizations (NGOs) operate in Haiti, but human rights defenders and activists who address sensitive topics are subject to threats and violence, which creates a climate of fear. The National Human Rights Defense Network (RNDDH) claimed that a gang leader and a politician plotted to kill its director in a March 2022 meeting.

Violence against activists is rarely investigated or prosecuted. Among other high-profile cases, the 2020 assassination of Port-au-Prince Bar Association head Monferrier Dorval remained unsolved in 2022.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

1 / 4

The right to unionize is legally protected and strikes are not uncommon. However, the union movement in Haiti is weak and lacks collective bargaining power in practice. Most citizens are informally employed. Workers who engage in union activity frequently face harassment, suspension, termination, and other repercussions from employers. In February 2022, factory workers protested over pay in Port-au-Prince. Garment workers protested that same month.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

1 / 4

The Haitian judiciary faces a multitude of challenges including corruption, safety concerns, a lack of accountability, political interference, and arbitrariness in operations, rendering the justice system ineffective by any standard. As president, Jovenel Moïse made judicial appointments beyond the authority of his office and interfered with judges who investigated politically sensitive matters. In February 2022, the Ministry of Justice attempted to illegally nominate judges to the Supreme Court. Under the constitution, judges sitting on that court must be named by the president from a list provided by the Senate. The Supreme Court last met in February, though Henry appointed a new president for that court in November.

After Moïse's 2021 assassination, a number of judges assigned to the case resigned for security-related reasons. Other officials who were involved in the investigation received death threats. A fifth judge was assigned to the case in May 2022. In its October report to the UN Security Council, the BINUH reported that a legal deadline in the case had nevertheless been missed.

Security concerns affected other courts in 2022. In June, gangs took control of the Court of First Instance in Port-au-Prince. Judges and lawyers who fled reported that files were lost during that incident. Lawyers had sought to avoid that court, which is near gang-controlled territory, and called on the government to move it for safety reasons. In its October report, the BINUH noted that police had to patrol the CSCCA after that court received threats.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

1 / 4

Constitutionally protected due process rights are regularly violated in practice. Arbitrary arrest is common, as are extortion attempts by police and at all levels of the legal system. Most suspects do not have legal representation, and even those who do suffer from long delays and case mismanagement. In 2021, the BINUH said 82 percent of all detainees were held on a pretrial basis. Many have never appeared before a judge despite the legal requirement of a court hearing within 48 hours of arrest; in some cases, detainees have waited years for a trial.

In 2020, President Moïse published two decrees that expanded the definition of terrorism and created the ANI to gather information on and prevent terrorist acts that ostensibly threaten national security. Human rights groups criticized the vague new definition of “terrorist act,” which included robbery, extortion, arson, and the destruction of public and private goods. According to the decrees, the ANI would have broad discretion to conduct searches and surveillance, and its staff cannot be held legally accountable for abuses without prior authorization from the president.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

1/4

A culture of impunity in law enforcement leaves civilians in Haiti with little protection from the illegitimate use of force, and police themselves are subject to lethal attacks by heavily armed criminal groups.

Criminal groups fight one another for territory and prey on residents in areas under their control, earning revenue from kidnappings, extortion, and other illegal activities. In July, the G9 an Fanmi e Alye fought other groups for control of Nan Brooklyn, an area that sits within the Cité Soleil section of Port-au-Prince. In late July, Human Rights Watch (HRW) reported that some 300 people were killed in the fight for control of that area. In its October report, the BINUH documented 1,377 deaths, injuries, and disappearances between June and September that it blamed on gang activity. It also reported that gang members subjected women, girls, and LGBT+ people to sexual violence; some victims were mutilated or murdered by their assailants.

Police are regularly accused of abusing suspects and detainees. Police have also been known to use extreme force to repress protests. Police are rarely held accountable for their use of physical force.

Prison conditions are especially poor. Facilities are overcrowded and understaffed. Prisons also ran out of food during 2022, with eight inmates held in a Les Cayes prison dying due to conditions or of starvation by June. Authorities released prisoners in Cap-Haïtien and Les Cayes in July due to a lack of food. In October, Health through Walls, an NGO that provides medical support for prisoners, reported that at least 21 people held in the National Penitentiary had died earlier that month as cholera spread through the prison system.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

1 / 4

Discrimination against women, the LGBT+ community, and people with disabilities is pervasive. Among other problems, women face bias in employment and disparities in access to financial services.

A reformed yet highly contested penal code was published in 2020 by executive decree and was set to take effect in June 2022, but its implementation was delayed to 2024. It prohibits gender-based violence, sexual harassment, and discrimination on the basis of sexual orientation, which occur regularly in practice. Conservative cultural and religious groups objected to the new code in part because it lowered the age of consent.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

1 / 4

The government generally does not restrict travel or place limits on the ability to change one's place of employment or education. However, insecurity has prevented free movement, particularly in Port-au-Prince, as roads are frequently blockaded by criminal groups, police, or protesters, and many residents avoid unnecessary travel due to widespread gang violence. Movement was further restricted by roadblocks, protests, and the occupation of the country's main fuel terminal after the government announced a fuel-subsidy reduction in September 2022.

The International Organization of Migration counted 113,000 internally displaced people as of August 2022, most of whom fled the capital due to gang violence. Many displaced Haitians live in especially poor conditions.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

1/4

Although the legal framework protects property rights and private business activity, it is difficult in practice to register property, enforce contracts, and obtain credit. Poor record-keeping and corruption contribute to inconsistent enforcement of property rights.

Business owners faced more intensive extortion efforts on the part of criminal gangs in 2022. Criminal gangs are also known to demand bribes or other support from officials. NGOs, meanwhile, have had to negotiate with criminal groups for access to territory; criminal groups have additionally pressured NGOs into providing financial assistance or hiring their members.

Score Change: The score declined from 2 to 1 because criminal actors interfere with business activity in areas they control, in part by demanding payment from business owners and other actors.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

2/4

Basic freedoms related to marriage, divorce, and custody are generally respected. However, there are no laws specifically addressing domestic violence, which is a widespread problem. Both domestic violence and rape are underreported and rarely result in successful prosecutions, with justice officials often favoring reconciliation or other forms of settlement. Spousal rape is not recognized as a criminal offense. Sexual violence has also become more common due to gang activity. According to an August 2022 report, the RNDDH learned of at least 52 women and girls who were raped as gangs fought for control of Nan Brooklyn in July. In its October report, the BINUH said that gangs were engaging in sexual violence as a means of subjugation.

The reformed penal code that was set to take effect in June 2022 would decriminalize abortion in the first 12 weeks of pregnancy, in cases of rape or incest, or when there is a threat to the physical or mental health of the pregnant woman. Abortion was prohibited entirely under existing law. The reformed code would also lower the age of consent to 15. The government postponed the implementation of the code in June, largely due to negative public reaction but also due to a lack of follow-through on its own part.

G4 0-4 pts

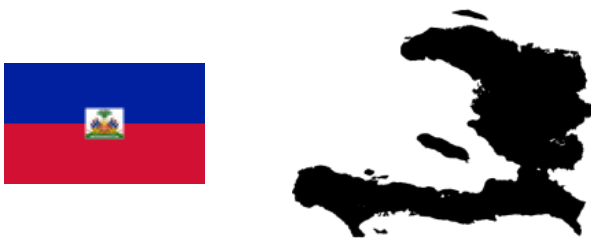
Do individuals enjoy equality of opportunity and freedom from economic exploitation?

0 / 4

Socioeconomic mobility is obstructed by entrenched poverty and inequality. Legal protections against exploitative working conditions in formal employment are weakly enforced, and most workers are informally employed. After workers protested for better pay, the government introduced new minimum wages for three wage classes in February 2022.

As many as 300,000 children work as domestic servants, often without pay or access to education; they are especially vulnerable to physical or sexual abuse. Other forms of child labor are common.

To escape dire social and economic conditions at home, many Haitians have risked human trafficking and dangerous land and sea journeys to reach countries including The Bahamas, Brazil, Chile, the Dominican Republic, Mexico, and the United States.



On Haiti

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Country Facts

Global Freedom Score

31/100 Not Free

Other Years

2022

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